

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

MARTEZ A. MOODY,

Plaintiff,

v.

FEDERAL BUREAU OF  
INVESTIGATION,

Defendant.

)  
)  
)  
)  
)  
)  
)  
)  
)  
)  
)

No. 4:16CV427 CDP

**MEMORANDUM AND ORDER**

Plaintiff seeks leave to proceed in forma pauperis in this civil action. The motion is granted. Additionally, this action is dismissed.

**Standard of Review**

Under 28 U.S.C. § 1915(e), the Court is required to dismiss a complaint filed in forma pauperis if it is frivolous, malicious, or fails to state a claim upon which relief can be granted. To state a claim for relief under § 1983, a complaint must plead more than “legal conclusions” and “[t]hreadbare recitals of the elements of a cause of action [that are] supported by mere conclusory statements.” *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009). A plaintiff must demonstrate a plausible claim for relief, which is more than a “mere possibility of misconduct.” *Id.* at 679. “A claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged.” *Id.* at 678. Determining whether a complaint states a plausible claim for relief [is] a context-specific task that requires the reviewing court to draw on its judicial experience and common sense. *Id.* at 679.

### **The Complaint**

Plaintiff alleges that FBI agents inserted a “federal equipment device” into his brain to read his thoughts and control his actions. He says the FBI forced him to do several unsafe and humiliating things while under its control. He claims he has developed severe medical conditions and has not been able to find gainful employment as a result.

### **Discussion**

The allegations in the complaint are duplicative of the allegations plaintiff brought in the case *Moody v. FBI*, No 4:16CV325 RLW (E.D. Mo.), which the Court dismissed pursuant to 28 U.S.C. § 1915(e). As a result, the complaint will be dismissed as duplicative. *E.g.*, *Cooper v. Delo*, 997 F.2d 376, 377 (8th Cir. 1993).

Additionally, the allegations are delusional and must be dismissed as frivolous. *See Denton v. Hernandez*, 504 U.S. 25, 32-33 (1992).

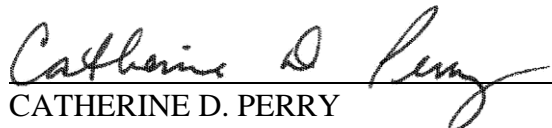
Accordingly,

**IT IS HEREBY ORDERED** that plaintiff's motion to proceed in forma pauperis [ECF No. 3] is **GRANTED**.

**IT IS FURTHER ORDERED** that this action is **DISMISSED** without prejudice.

An Order of Dismissal will be filed separately.

Dated this 4th day of April, 2016.

  
CATHERINE D. PERRY  
UNITED STATES DISTRICT JUDGE